

## APPENDIX 10

# RULES OF CONDUCT

*This appendix describes rules of conduct for recreation use on public land in the Roswell Resource Area*

The Secretary of the Interior's regulations at 43 CFR 8365 provide, in part, rules of conduct for the protection of public lands and resources, and for the protection, comfort and well being of the public in its use of recreation areas, sites and facilities on public lands.

Additionally, the BLM's New Mexico State Director has established supplemental rules of conduct for visitor use under 43 CFR 8365.1. These rules are necessary for the protection of persons, property, and public lands and resources currently under the BLM's administration in the Roswell District, New Mexico. The rules of conduct also will apply to acquired lands that come under the administration of the BLM, as provided for in 43 CFR 8365.1-6. These rules of conduct apply to all persons using public lands. Violations of these rules are punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 12 months, or both.

Exceptions to the following rules of conduct may be permitted by the Authorized Officer subject to limits and restrictions of controlling federal or state laws. Persons granted use exemptions must possess written authorization from the BLM office having jurisdiction over the area.

Further, users must comply with the zoning, permitting, rules, or regulatory requirements of other agencies, where applicable. Except as otherwise provided by federal law or regulation, state and local laws and ordinances shall apply and be enforced by the appropriate state and local authorities (43 CFR 8365.1-7).

The following is a list of supplementary rules of conduct (prohibited acts) on Bureau of Land Management (BLM) designated recreation sites, special recreation management areas and other public lands in the BLM Roswell

District, New Mexico. General rules of conduct are published in Titles 36 and 43 of the Code of Federal Regulations (CFR). The Supplementary Rules of Conduct for the Roswell District (the Roswell and Carlsbad Resource Areas) were published in the *Federal Register*, Volume 60, No. 235 on Thursday, December 7, 1995. When approved, subsequent rules developed for Bureau of Land Management administered lands in New Mexico or applicable changes in the Code of Federal Regulations would supersede these rules without requiring an amendment of the RMP.

The following acts are prohibited unless authorized by written permit from the BLM Roswell District Office, the Roswell Resource Area or the Carlsbad Resource Area.

### CAMPING

- Camping in one location is limited to 14 consecutive days. After that time, campers must move at least 25 miles from that location and not return for 28 consecutive days (43 CFR 8365.1-2(a)).
- Failing to pay any fees imposed in accordance with 36 CFR part 71.
- Camping or parking for more than 30 minutes within 300 feet of any spring, manmade water hole, water well or watering tank used by wildlife or domestic stock (43 CFR 8365.1-6).
- Leaving personal property unattended for more than 24 hours in a day use area, or 72 hours in other areas. Personal property left unattended beyond such time limit is subject to disposition under the Federal Property and Administrative Services Act (43 CFR 8365.2-3(c)).

- Reserving camping space, except at group facilities. Camping space is available on a first-come, first-serve basis (43 CFR 8365.1-6).
- Failing to maintain quiet in a developed recreation site between the hours of 10:00 p.m. to 6:00 a.m., or other hours posted. During this period no person shall create noise which disturbs other visitors (43 CFR 8365.1-4(a)).
- No more than two motorized vehicles or 10 individuals, or both shall occupy any single, approved developed recreation site not designated for group use or as a parking area. Groups exceeding these limits must use a group site or additional designated sites (43 CFR 8365.1-6).
- Parking in or occupying a parking space posted or marked for handicapped use without displaying an official identification tag or plate (43 CFR 8365.1-6).
- Pitching any tent, parking any trailer, erecting any shelter or placing any other camping equipment in any area other than the place designated for it within a designated campsite (43 CFR 8365.2-3(b)).
- Entering or using a recreation site or a portion of a site closed to public use (43 CFR 8365.2-3(@)).
- Moving any table, stove, barrier, litter receptacle or other campground equipment (43 CFR 8365.2-3(f)).
- Bringing equine stock, llama, cattle, or other livestock within campgrounds or picnic areas unless facilities have been specifically provided for such use (43 CFR 8365.2-3(h)).
- Camping, occupying or building a fire on, or in, any historic or prehistoric structure or ruin site (43 CFR 8365.1-6).

## SANITATION

- Constructing or maintaining any pit toilet facility (43 CFR 8365.1-6).

- Dumping or disposing sewage or sewage treatment chemicals from self-contained or containerized toilets, except at facilities provided for that purpose (43 CFR 8365.1-1(3)).
- Showering or bathing at any improved or developed water source, outdoor hydrant, pump, faucet, fountain, or restroom water faucet unless the water source is designated for that purpose (43 CFR 8365.2.1 (b)).
- Cleaning fish, game, other food, clothing or household articles at any outdoor hydrant, pump, faucet, fountain, or restroom water faucet (43 CFR 8365.2-1 (a)).
- Disposing of any waste or gray water except where disposal facilities are provided (43 CFR 8365.1-1(3)).
- Disposing of any cans, bottles or other non-flammable trash and garbage, except in designated receptacles (CFR 43 8365.1 -1 (1)).

## FIRES

- Disposing of any burning or smoldering material, except at sites or facilities provided for that purpose (43 CFR 8365.1-6).
- Leaving a campfire unattended, or failing to completely extinguish a fire after use (43 CFR, 8365.1-6).
- Igniting or burning any material containing or producing toxic or hazardous material (43 CFR, 8365.1-6).
- Failing to adhere to fire danger ratings issued by the government (43 CFR **8365.1-6**).
- Building a fire in a developed recreation site except in a stove, grill, fireplace or ring provided for that purpose (43 CFR 8365.1-6).

## VEGETATION AND MINERAL REMOVAL

- Cutting, removing, or transporting woody materials without authorization, including, but

not limited to:

1. Any type or variety of vegetation (excluding dead and down) (43 CFR 8365.1-6);
2. Fuelwood or firewood, either green or standing deadwood (43 CFR 8365.1-6); or,
3. Live plants (except for consumption, medicinal purposes, study or personal collection) (43 CFR 8365.1-6).

- Gathering or collecting woody plants or any other natural resources or minerals which require a permit, without having a permit (43 CFR 8365.1-6).

- Removing or transporting any mineral resources including, but not limited to, rock, sand, gravel, and minerals on or from public lands without written consent, proof of purchase, or a valid permit. Collecting specimens and samples in reasonable amounts for personal noncommercial use, under 43 CFR 8365.1-5(b) is not affected by this section (43 CFR 8365.1-6).

- Collecting or removing any natural resource, including wood for campfires, where restrictions on removal are posted (43 CFR 8365.1-6).

## PETS

- Failing to prevent a pet from harassing, molesting, injuring, or killing humans, wildlife or livestock (43 CFR 8365.1-6).

- Failing to immediately remove and dispose of in a sanitary manner all pet fecal material, trash, garbage or waste created within a developed recreation site (43 CFR 8365.1-6).

- Failing to physically restrain a pet at all times within developed campsites and picnic areas. Pets are prohibited where posted on all designated nature or interpretive trails and from entering caves. Animals trained to assist handicapped persons are exempt from this rule (43 CFR 8365.1-6).

- Bringing an animal into a developed recre-

ation site unless the animal is on a leash not longer than 6 feet and is secured to a fixed object or under control of a person, or is otherwise physically restricted at all times (43 CFR 8365.2.1 (c)).

## VEHICLES

- Operating an off-road vehicle without full-time use of an approved spark arrester and muffler (43 CFR 8365.1-6).

- Failing to display the required state off-road vehicle registration (43 CFR 8365.1-6).

- Lubricating or repairing any vehicle, except repairs necessitated by emergency (43 CFR 8365.1-6).

- Operating, parking, or leaving a motorized vehicle in violation of posted restrictions or in such a manner or location as to:

1. Create a safety hazard;
2. Interfere with other authorized users or uses;
3. Obstruct or impede normal or emergency traffic movement;
4. Interfere with or impede administrative activities;
5. Interfere with the parking of other vehicles; or
6. Endanger property or any person (43 CFR 8365.1-6).

- Operating vehicles off of existing or designated roads and trails within a developed recreation site, unless facilities have been specifically provided for such use. Motorized vehicles will be operated for access to and from developed facilities only (43 CFR 8365.1-6).

- Driving a motor vehicle within developed recreation sites or areas except on roads and places provided for this purpose, unless otherwise authorized (43 CFR 8365.2-4).

- Operating a motor vehicle in motion, unless the operator and each front seat passenger is restrained by a properly fastened safety belt (43 CFR 8365.1-3(b)(1)).

## **FIREWORKS**

- Possessing or using fireworks (43 CFR 8365.2-5(a)).

## **ALCOHOLIC BEVERAGES**

- Selling or giving an alcoholic beverage to a person under 21 years of age (43 CFR 8365.1-6).
- Possessing an alcoholic beverage by a person under 21 years of age (43 CFR 8365.1-6).

## **WEAPONS**

- Carrying concealed weapons (43 CFR 8365.1-6).
- Discharging firearms or other weapons, or hunting and trapping within 150 yards of developed recreation sites and areas (43 CFR 8365.1-6).
- Using weapons in violation of state law within developed campsites or picnic areas (43 CFR 8365.1-6).

## **ARCHAEOLOGY OR CULTURAL RESOURCES**

- Gathering or collecting historical artifacts that require permit for collection, without having a permit (43 CFR 8365.1-6).
- Willfully defacing, disturbing, removing or destroying any personal property or structures, or any scientific, cultural, archaeological or historic resource, natural object or area (43 CFR 8365.1-5(a)(1)).

## **CAVES**

- Entering the following caves from November 1 to April 15 of each year: Fort Stanton, Torgac, Torgac Annex, Crockett, Crystal, Big-Eared Cave, Bat Hole, Malpais Madness, Tres Ninos,

and Feather. Only personnel engaged in authorized scientific bat studies, census, monitoring, and emergencies will be allowed to enter caves during this time, due to bat, hibernation.

- Entering a cave without each person wearing a safety helmet (hard hat) with chin strap and having at least three sources of light (43 CFR 8365.1-6).
- Annoying or disturbing bats at any time (43 CFR 8365.1-6).
- Willfully defacing, removing or destroying cave resources (43 CFR 8365.1-5(a)(2)).

## **ADVERTISEMENTS OR COMMERCIAL USE**

- Posting or distributing any signs, posters, printed material, or commercial advertisements (43 CFR 8365.1-6).

## **SPECIAL RECREATION MANAGEMENT AREAS AND ACECs**

In addition to the regulations in 43 CFR 8365.2 and the supplemental rules of conduct listed above, the following supplemental rules will be applied to Special Recreation Management Areas, caves, and ACECs in the Roswell Resource Area.

### **CAMPING**

1. The group shelter at Valley of Fires may be reserved in advance.
2. Day use fees are due upon entrance to a day-use area. Camping fees are due within 1/2 hour after selecting a campsite.
3. Camping checkout time is 10:00 a.m. Day-users must leave the area by 10:00 p.m. or be charged a camping fee.
4. Campers must display their fee stub as instructed on the envelope.

### **CAVE RESOURCES, GENERAL RULES**

1. No removal is allowed of any cave, resources such as archaeological and historical artifacts, natural materials or features,

plant and animal life, or any item of public property.

2. Minors. At least one person in the caving party must be 18 years or older and will be responsible for the actions of younger members of the party.
3. Litter and Refuse. All materials (flagging tape, litter, etc.) taken into the cave(s) must be removed and properly disposed of at the end of each cave visit.
4. Human solid or liquid waste may not be deposited in any cave.
3. Smoking is not permitted in any cave.

In addition to the general rules of conduct for all caves, the following rules will be in effect for all caves within ACECS, caves where Special Recreation Management Area Plans (SRMA) have been developed, or the caves are intensively managed due to their scientific or recreational value, pursuant to Public Law 96-95, Public Law 100-691, 43 CFR 8364.1, 43 CFR 8360.0-7, and 30-15-6 NMSA 1978.

1. Permits.
  - a. Entry to a cave for the purpose of recreation, education, or scientific studies requires a permit issued by the Roswell Resource Area,
  - b. Authorization for entry to caves is valid only upon signature of the permittees, and is valid only for those individuals whose signatures appear on the permit.
  - c. Permits must be returned to the Roswell Resource Area Office within five days following the completion of a cave trip. The permit form must be returned even if the trip is canceled.
  - d. A cave trip authorization is issued for the time period and date specified on the front of the permit. It is revocable at any time upon notice, for any breach of conditions described in the permit, or at the discretion of the Authorized Officer of the Bureau of Land Management.

e. Permittees may reserve only two dates per cave in advance. f. Applications for cave entrance permits for caves that are closed from November 1 through April 15, will only be accepted from January 1 to November 1 of each year. Permit applications will be accepted at any time for caves in ACECs that are not bat hibernaculums.

g. Permittees must abide by all cave use stipulations attached to permit.

2. Group Size
  - a. Fort Stanton Cave - maximum group size is 10 persons between the entrance and Hellhole gate and 6 persons beyond Hellhole Gate, including a BLM guide. A total of 16 persons is allowed in cave at one time. Bat Cave visitation is prohibited except for research.
  - b. Torgac Cave - maximum group size is 6 persons, including a BLM guide.
  - c. Crockett Cave - maximum group size is 9 persons.
  - d. All other caves in ACECs - maximum group size is 10 persons.
  - e. Group size requirements can be waived with written permission from the BLM. The maximum group size per BLM guide is 10 people.

## DEFINITIONS

Definitions of terms used in the rules of conduct:

• **Abandonment** The voluntary relinquishment of control of property for longer than a period specified with no intent to retain possession.

• **Administrative activities** Those activities conducted under the authority of the BLM for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance with and consistent with regulations, or repairing or maintaining facilities.

- **Authorized Officer** Any employee of the BLM who has been delegated the authority to perform under Title 43 of the Code of Federal Regulations.

- **Campfire** A controlled fire occurring outdoors for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes.

- **Camping** Erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, or the parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy. Occupying a developed camp site or an approved location within developed recreation areas or sites during the established night period of 10:00 p.m. to 6:00 a.m. will be considered overnight camping for fee collection and enforcement purposes.

- **Developed recreation site or area** Sites or areas that contain structures or capital improvements used primarily for recreation purposes by the public. Development may vary from limited development for protection of the resources and the safety of users to a distinctly defined site in which developed facilities that meet the Land and Water Conservation Fund Act of 1965 (as amended) criteria for a fee collection site are provided for concentrated public recreation use.

- **Historic or prehistoric structure or ruin site** Any location at least 50 years old which meets the standards for inclusion on the National Register of Historic Places as defined in 36 CFR 60.4, without regard to whether the site has been nominated or accepted.

- **Occupancy** Taking or holding possession of a camp site, other location, or residence on public land.

- **Pet** A dog, cat, or any other domesticated companion animal.

- **Public lands** Any lands, interest in lands, or related waters owned by the United States and

administered by the BLM. Related waters are waters which lie directly over or adjacent to public lands and which require management to protect federally administered resources or to provide for enhanced visitor safety and other recreation experiences.

- **SRMA** An area where special or more intensive types of resource and user management are needed.

- **Stove fire** A fire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including space-heating devices.

- **Vehicle** Any motorized or mechanized device, including bicycles, hang gliders, ultra-lights, and hot air balloons, which is propelled or pulled by any living or other energy source, and capable of travel by any means over ground, water, or air.

- **Weapon** A firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, cross-bow, blowgun, spear gun, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles or projectiles; hand-thrown spear, edged weapons, nunchucks, clubs, billy-clubs, and any device modified for use or designed for use as a striking instrument; any weapon the possession of which is prohibited under New Mexico law.

### **Developed recreation sites or areas and Special Recreation Management Areas in the Roswell District:**

1. Alkali Lake Off-road Vehicle Area (Carlsbad Resource Area)

2. Cave SRMA's - McKittrick Hill, Lost, Fence Canyon, Manhole, Yellow Jacket/Lair, Chosa Draw, Mudgeffs, Honest Injun, KFF Caverns (all in Carlsbad Resource Area), and Fort Stanton Cave, Torgac Cave, and Crockett's Cave (all in Roswell Resource Area).

3. Chosa Draw SRMA (Carlsbad Resource Area)

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| 4. Dark Canyon SRMA (Carlsbad Resource Area)  | 9. Mescalero Sands North Dune SRMA (Roswell Resource Area)  |
| 5. Fort Stanton SRMA (Roswell Resource Area)  | 10. Overflow Wetlands (Roswell Resource Area)               |
| 6. Guadalupe Escarpment Scenic Area (Carlsbad Resource Area)                              | 11. Pecos River Canyon Complex (Carlsbad Resource Area)     |
| 7. Hackberry Lake Off-road Vehicle Area (Carlsbad Resource Area) (Carlsbad Resource Area) | 12. Pecos River Corridor (Carlsbad Resource Area)           |
| 8. Lonesome Ridge SRMA (Carlsbad Resource Area)   | 13. Valley of Fires Recreation Area (Roswell Resource Area) |